

REMARKS

Reconsideration of the present application is hereby requested.

Claims 1 to 10 were and are currently pending in this application.

Claims 1, 5, 7 and 9 have been amended to address several objections and §112 rejections that were raised in the subject Office Action. No new matter has been added.

Claim 1 has been indicated to be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, 2nd paragraph, set forth in the subject Office Action. In addition, claim 6 has been indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Moreover, claims 2-4 and 7 have been indicated to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, 2nd paragraph, set forth in the subject Office Action and to include all of the limitations of the base claim and any intervening claims.

In regard to the objection to the Abstract, Applicant hereby submits a new Abstract on a separate sheet in accordance with 37 CFR §1.52(b)(4), which adds the indefinite article "an" before "outlet" in line 3.

In regard to the objections to the disclosure, Applicant submits that by way of the amendments to the specification set forth on pages 3-4 of this submission, the noted informalities have been corrected.

In regard to the objection to claims 1, 5 and 8, Applicant submits that claims 1 and 5 have been amended to correct the noted informalities. Claim 8, however, has not been amended to delete the phrase "and has an elliptical cross section", where this claim serves to further limit claim 5 and therefore is in proper dependent form. Claim 5 covers two embodiments, namely, an embodiment where the elliptical shape is formed by the tower having a circular cross section and leaning to the vertical, and an embodiment where the tower is vertical and has an elliptical cross-section. Claim 6 relates to the first embodiment, while claim 8 relates to the second embodiment.

In regard to the rejection of claims 1-4, 7 and 9-10 under 35 U.S.C. § 112, 2nd paragraph, Applicant submits that the above amendments to claims 1, 7 and 9 should serve to render these grounds for rejection moot.

In regard to the rejection of claims 5 and 8 under 35 U.S.C. § 102(b) as being anticipated by French Patent 1,086,320 (figures 1-2), Applicant submits that this rejection is in error and should be withdrawn. Nothing in the cited reference teaches or even remotely suggests the wind power plant of claims 5 and 8, as amended.

French Patent 1,086,320 fails to teach or suggest a wind power plant of cyclone type that employs a vertical tower having an elliptical cross section. Instead, this reference discloses a wind power plant of a cyclone type, which is made up of a base, a tower arranged above the base, which is open at the top and provided with a side inlet for the wind to generate a cyclone in the tower, a substantially horizontal turbine having inlets through the base and an outlet to the center of the cyclone in the tower and being connected for driving a generator arranged in the base. The tower is a substantially circular tower, with the center of the circular shape substantially coinciding with the axis of the tower¹. In fact, the tower 1 is described as a logarithmic (*i.e.*, equiangular) spiral on page 2, lines 50 to 56, of French Patent 1,086,320, a special case of which is the circle.

As stated in the present application, it is the shape of the tower, and not the combined shape of the tower and the wind inlet, that possesses the elliptical shape. Advantages and effects attributed to the elliptical shape of the tower are also described in the present application. Briefly, the elliptical cross section increases the power extraction by enabling the laminar flow to change direction and speed several times for each rotation of its whirlwind motion, and each retardation and acceleration results in kinetic energy being transformed into heat energy whereby the rise velocity in the tower is increased. In short, the elliptical shape of the tower increases the power of the wind power plant as compared to a tower with a circular shape. Accordingly, the elliptical horizontal cross section of the actual tower is a key element of the present invention that is not disclosed in French Patent 1,086,320. Thus, the present

¹ Applicant wishes to point out that the addition of the wind inlet gives an impression of an ellipse in French Patent 1,086,320, but one that would have its center displaced from the tower axis.

invention, as defined in claims 5 and 8, are patentably distinguishable over the cited reference and thereby allowable.

For the reasons stated above, it is respectfully requested that the Examiner's rejection of claims 5 and 8, be withdrawn.

In regard to the rejection of claims 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over French Patent 1,086,320 in view of Japanese Patent 57-129,274, Applicant respectfully submits that this rejection is untenable and should be withdrawn. Nothing in French Patent 1,086,320 alone, or in combination with Japanese Patent 57-129,274, teaches or even remotely suggests the wind power plant of claims 9 and 10, as amended.

The earlier discussion of French Patent 1,086,320 is incorporated herein by reference.

According to the Examiner, it would have been obvious to form the wind power plant of French Patent 1,086,320 such that it includes a rotor with blades and a shaft parallel and coaxial to the tower, as taught by Japanese Patent 57-129,274, for the purpose of allowing for increased extraction of energy from the wind power plant.

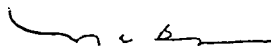
Applicant takes the position that there is no *prima facie* case of obviousness for the present claims 9 and 10 over French Patent 1,086,320 in view of Japanese Patent 57-129,274. Applicant submits that there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine reference teachings. Moreover, the proposed modification or combination would fall short of yielding the claimed invention, where claims 9 and 10, as amended, require a tower that forms an elliptical shape in the horizontal plane substantially along the entire tower length, the center of the ellipse being positioned at the tower axis.

For the reasons stated above, it is respectfully requested that the Examiner's rejection of claims 9 and 10, be withdrawn.

Early reconsideration of the subject patent application in view of the above amendments and remarks is respectfully requested. If the Examiner believes, for any reason, that personal

communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,



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